

Hoshiko; and rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Aupoix et al. in view of U.S. Patent No. 6,255,595 to Metra et al.

Applicant thanks the Examiner for indicating that claims 6 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim.

To anticipate a claim, a single prior art reference must disclose every element of the claim. *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987). Moreover, anticipation requires that every element be arranged as recited in the claim. *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001). Because the cited references fail to do so, Applicants traverse the rejections for the reasons given below.

Claims 1, 19, and 20 recite a superconducting cable, a method for protecting a superconducting cable, and a current transmission/distribution network, respectively, comprising, *inter alia*, a cryostat including thermal insulation enclosed between an inner an outer coaxial tube, and a protecting element between a superconducting conductor and the inner tube of the cryostat.

In contrast, Dew et al. fail to show at least a protecting element, as recited in claims 1, 19, and 20. The Examiner alleged that Dew et al. disclose a protecting element 30 in Fig. 3, and a cryostat at col. 3, lines 30-40. Col. 3, lines 30-40 disclose an outer jacket 36 of stainless steel, positioned about an inner tube 30 with thermal insulation 38 disposed therebetween. If inner tube 30 forms the inner tube of a cryostat, as the Examiner alleged, then inner tube 30 cannot also be the protecting element. In other words, element 30 shown in Fig. 3 of Dew et al. cannot be both the inner tube of

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the cryostat and the protecting element because claim 1 requires a protective element between the superconducting conductor and the inner tube of the cryostat.

Regarding Aupoix et al., Applicant submits that this reference fails to disclose at least a cryostat or a protective layer as claimed. The Examiner alleged that Fig. 1 of Aupoix et al. shows thermal insulation 13 between an inner tube 12 and outer tube 14. Element 12 in Fig. 1, however, refers not to an inner tube of a cryostat, but rather "[a] non-continuous binding" that secures the conductors (col. 3, line 1). Applicant submits that a non-continuous binding cannot form the inner tube of a cryostat. The Examiner further alleged that Aupoix et al. disclose protective element 11 between the superconducting conductor and the inner tube of the cryostat. According to Aupoix et al., however, element 11 in Fig. 1 refers to a "layer of electrical insulation" (col. 2, line 51). Moreover, even assuming, *arguendo*, that electrical insulation layer 11 corresponds to the claimed protective element (which Applicant disputes), Aupoix et al. fail to disclose that layer 11 is between the superconducting conductor and the inner tube of the cryostat because Aupoix et al. fail to disclose an inner tube.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of claims under 35 U.S.C. § 102(b). Applicant submits that claims 1, 19, and 20 are in condition for allowance, as are claims 2-18 at least by virtue of their dependency from allowable claim 1.

Applicant traverses the rejection of claims under 35 U.S.C. § 103(a) because Applicant submits that the Examiner failed to establish a prima facie case of obviousness. As discussed above, Aupoix et al. fail to disclose or suggest at least a

protective element and a cryostat as recited in claims 1, 19, and 20. Because Hoshiko and Metra et al. also fail to disclose or suggest these features, Applicant requests that the Examiner reconsider and withdraw the rejection of claims under 35 U.S.C. § 103(a).

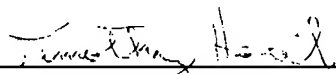
In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 06-0916.

Respectfully submitted,

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